

REMARKS

Claims 1, 3-6, 8-10, 12, 13, 15-17, 19-21, 23, 24, 26-29, 31-33, and 35 are pending. Claims 2, 7, 11, 12, 14, 18, 19, 22, 23, 25, 30, 31, 34, and 35 have been amended. Claims 2, 7, 11, 14, 18, 22, 25, 30, and 34 have been cancelled. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the March 22, 2006 Office Action, the Examiner rejected claims 1-35 under 35 U.S.C. §103 (a) as being obvious over Liu, U.S. Patent No. 5,931,815 (hereinafter the Liu reference). This rejection is respectfully traversed.

Applicants have enclosed herewith a PTO-Form 1449 identifying a reference potentially relevant to this invention. A copy of this reference is enclosed for the convenience of the Examiner.

**Independent claim 1, as amended, recites:**

A winged safety needle assembly, comprising:

a hub having a distal end, a proximal end, and an axial through hole, said hub further supporting a pair of flexible extension arms;

a cannula joined to said hub adjacent the distal end of said hub, said cannula having a beveled edge at a distal end thereof;

a cylindrical sheath having a **locking tab attached to an outer surface thereof by a hinge, said locking tab being rotateable over at least a 180 degree arc**, said cylindrical sheath retaining said hub therein and having a distal end and a proximal end, said hub being slidable along an inner surface of said cylindrical sheath from a first position at which the distal end of said cannula joined to said hub projects beyond the distal end of said cylindrical sheath by a predetermined length, to a second position at

which said distal end of the cannula is protectively contained within said cylindrical sheath;

a pair of flexible wings provided on the outer peripheral surface adjacent the distal end of said cylindrical sheath; and

a first locking mechanism and a second locking mechanism disposed on said assembly, said first locking mechanism releasably locking said hub and said cylindrical sheath at the first position, and said second locking mechanism unreleasably locking said hub and said cylindrical sheath at the second position, wherein said first locking mechanism comprises said pair of flexible extension arms supported by said hub and a groove formed on the inner surface of the distal end of said cylindrical sheath, and when said hub is at the first position in relation to said cylindrical sheath a pair of tips of said pair of flexible extension arms releasably engages the groove, and wherein said locking tab includes a projection that is inserted through a slot in the cylindrical sheath to releasably engage the proximal end of the pair of flexible extension arms.

The Examiner rejected claims 1-35 under 35 U.S.C. §103 (a) as being obvious over the Liu reference. In so doing, the Examiner stated that "Applicant has added the amended claim language and limitation of 'a locking tab attached to an outer surface thereof by a hinge'. It is Examiners position that Lui discloses and teaches a locking tab attached to an inner surface thereof by a hinge, as described above. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the locking tab attached to an outer surface thereof by a hinge, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art." (Emphasis added).

The Liu reference does not disclose, teach, or suggest the winged safety needle assembly specified in independent claim 1, as amended. Unlike the winged safety needle assembly specified in independent claim 1 as amended, the Liu reference does not show "a cylindrical sheath having a locking tab attached to an outer surface thereof by a hinge, said locking tab being rotateable over at least a 180 degree arc".

The Examiner identifies the locking tab as item 411 and the hinge as being the "sliding of 1b". Applicants respectfully submit that the limitation of claim 1, as amended, requires that the locking tab is attached to an outer surface of the cylindrical sheath by a hinge. Therefore, Applicants respectfully disagree with the Examiners characterization of the hinge as being the "sliding of 1b" where 1b is identified as the connecting tube, a part distinct from the cylindrical sheath.

Applicants believe that the item 411 is connected to the inner surface of the cylindrical sheath by an unidentified item that the Examiner associates with a "hinge". However, even assuming the alleged "hinge" connecting item 411 to the inner surface of the cylindrical sheath, the alleged hinge does not make the locking tab "rotateable over at least a 180 degree arc" as required by independent claim 1, as amended.

Furthermore, Applicants respectfully submit that "a locking tab attached to an outer surface thereof by a hinge, said locking tab being rotateable over at least a 180 degree arc" is more than a "mere reversal" of the essential working parts of the device because a hinge will have minimal rotational ability if it is attached to an inner surface of the cylindrical sheath. The benefit of the locking tab being rotateable over at least a 180 degree arc is that the locking tab can be rotated to a position that allows the user to grasp the device and withdraw the hub and cannula without interference from the locking tab.

In addition, the Liu reference does not show that “said locking tab includes a projection that is inserted through a slot in the cylindrical sheath to releasably engage the proximal end of the pair of flexible extension arms”

In the Office Action, the Examiner also stated that “the Lui winged needle *assembly-locking tab (411)* includes a *projection (411c)* that is inserted through a slot in the cylindrical sheath (110c) to releasably engage the proximal end of the pair of flexible arms. Applicants respectfully submit that the embodiment shown in FIG. 10 of the Lui reference that includes projection 411c is completely distinct from the embodiment shown in FIG. 9A of the Lui reference. The embodiment shown in FIG. 10 does not have the item 411 that the Examiner characterizes as being “assembly-locking tab (411)”. Independent claim 1, as amended, requires “a locking tab attached to an outer surface thereof by a hinge, said locking tab being rotateable over at least a 180 degree arc”. The embodiment of FIG. 10 has no such “assembly-locking tab (411) including a projection (411c)” because the assembly-locking tab (411) that the Examiner associates with a hinge is found only in FIG. 9A.

The Lui reference states that “the connecting section 411 of the sheath 4c is formed with at least one projecting pin 411c. When sheath 4c is slid up and down along the tube body 10c of the connecting tube 1c, the projecting pin 411c can be rotarily inserted and tightly located in the annular grooves 110d, 120d.” (Col. 4, lines 9-14.). In other words, the projecting pin 411c projects from the connecting section 411 of the sheath 4c. The projecting pin 411c is not “inserted through a slot in the cylindrical sheath (110c) to releasably engage the proximal end of the pair of flexible arms” as required by independent claim 1, as amended. The projecting pin 411c of Lui

can be rotarily inserted and tightly located in the annular grooves 110d, 120d located on the connecting tube 1c.

The Liu reference does not show that “said locking tab includes a projection that is inserted through a slot in the cylindrical sheath to releasably engage the proximal end of the pair of flexible extension arms”.

Accordingly, Applicants respectfully submit that independent claim 1, as amended, distinguishes over the above-cited reference. Claims 3-6, 8-10, and 12 all depend directly or indirectly from independent claim 1, as amended. Therefore, Applicants respectfully submit that claims 3-6, 8-10, and 12 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Independent claim 13, as amended, recites limitations similar to independent claim 1, as amended. Specifically, independent claim 13, as amended, recites “a cylindrical sheath having a locking tab attached to an outer surface thereof by a hinge, said locking tab being rotateable over at least a 180 degree arc”, and “said locking tab includes a projection that is inserted through a slot in the cylindrical sheath to releasably engage the proximal end of the pair of flexible extension arms.” Therefore, amended independent claim 13 also distinguishes over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Claims 15-17, 19-21, and 23 all depend, directly or indirectly, from amended independent claim 13. Therefore, Applicants respectfully submit that claims 15-17, 19-21, and 23 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Independent claim 24, as amended, recites limitations similar to independent claim 1, as amended. Specifically, independent claim 24, as amended, recites “a cylindrical sheath having a locking tab attached to an outer surface thereof by a hinge, said locking tab being rotateable over at least a 180 degree arc”, and “said locking tab includes a projection that is inserted through a slot in the cylindrical sheath to releasably engage the proximal end of the pair of flexible extension arms.” Therefore, amended independent claim 24 also distinguishes over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Claims 26-29, 31-33, and 35 all depend, directly or indirectly, from amended independent claim 24. Therefore, Applicants respectfully submit that claims 26-29, 31-33, and 35 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

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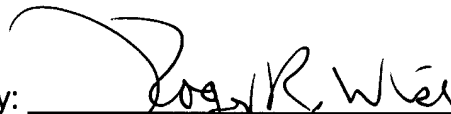
Applicants believe that the foregoing amendment and remarks place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: January 23, 2007

By: \_\_\_\_\_



Roger R. Wise  
Registration No. 31,204  
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800  
Los Angeles, CA 90017-5406  
Telephone: (213) 488-7100  
Facsimile: (213) 629-1033